

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0930-02
Bill No.: HCS for HB 257
Subject: Health Care; Health Care Professionals; Health, Public; Health Department
Type: Original
Date: March 7, 2013

Bill Summary: This proposal changes the laws regarding the requirements for the testing of persons with tuberculosis.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from **Northwest Missouri State University** state this version of the proposal would have a potential fiscal impact on the University given the application and inclusion of faculty in the targeted testing program. The majority of affected individuals will continue to be students, but under this proposal, faculty would be subject to screening and targeted testing, which officials have not included for a number of reasons. The impact is hard to determine at this time.

Officials from the **Metropolitan Community College** assume the proposal would have a negative, although unknown, fiscal impact on their college.

Oversight assumes the potential fiscal impact of this proposal on colleges and universities will be absorbable by the colleges and universities.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of exposing another to tuberculosis - a new Class D felony or, if the victim contracts tuberculosis from the violator, a new Class C felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight notes the provisions of this substitute provide for a Class B or Class A misdemeanor rather than the previous felony charges. Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS.

Officials from the **Department of Mental Health (DMH)** state facilities associated with the DMH are included in the definition of a “facility” under Section 199.170(5). Section 199.250 states the Department of Health and Senior Services (DHSS) retains the authority to contract with facilities to carry out the functions of these provisions.

ASSUMPTION (continued)

The DMH assumes that its state operated psychiatric facilities would be inappropriate placements for tuberculosis (TB) commitments and, therefore, would neither contract with the DHSS for such commitments nor be compelled by a court to accept such commitments. The DMH assumes DHSS will not refer individuals with TB to a DMH facility. Therefore, the proposal places no obligations or requirements on the DMH that would result in a fiscal impact.

If this assumption is inaccurate, then the costs to the DMH could be significant.

Officials from the **Department of Higher Education (DHE)** state the proposal would have no direct, foreseeable fiscal impact on the DHE.

Officials from the **Department of Social Services (DSS) - Division of Youth Services (DYS)** state this proposal is thought to have little impact on DYS. Upon enactment of the proposal, DYS would not anticipate any substantive increase in the number of youth committed to its care.

As DYS presently requires all youth in the Division's care to be tested for tuberculosis as part of the Healthy Children and Youth Screening, enactment of this proposal could have bearing on the manner in which a youth with a positive test is managed, The DYS may have to amend policies and provide training to ensure compliance with the new law. However, DYS would be able to utilize existing personnel to affect the changes at no additional cost to the agency.

Officials from the **DSS - Human Resource Center** state unless the employee or a local health authority informed the agency that the employee had an active tuberculosis case, DSS would not have access to that information. Therefore, there would be no fiscal impact.

Officials from the **DSS - MO HealthNet Division (MHD)** state the requirements of this proposal fall to the Department of Health and Senior Services. The treatments described in the proposal are covered under MHD. Therefore, there would be no fiscal impact to MHD.

Officials from the **DSS - Division of Financial and Administrative Services** state the proposal specifically states that any payment for treatment contracted for by Department of Health and Senior Services (DHSS) would be available only after benefits from all third-party payers have been exhausted. Therefore, there would be no savings to MHD because MHD would have to pay first and DHSS funds would be reserved for non-Medicaid eligibles.

Officials from the **Office of State Courts Administrator**, the **Department of Health and Senior Services**, the **Harrison County Health Department**, **Linn State Technical College**, **Missouri State University**, **University of Central Missouri**, the **University of Missouri**, **Barton County Memorial Hospital** and the **University of Missouri Health Care System** each assume the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** did not respond to **Oversight's** request for a statement of fiscal impact. However, based on similar language in other proposals, Oversight assumes the DOC will incur minimal costs, absorbable within current funding levels, for any person convicted of a Class A misdemeanor. Provisions of the proposal provide that any person violating the provisions of subdivisions (1), (2), or (3) of subsection 1 of section 199.275 shall be guilty of a Class A misdemeanor for exposing a victim to tuberculosis if the victim then contracts tuberculosis as a result of that contact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Higher Education
Department of Mental Health
Department of Health and Senior Services

HWC:LR:OD

SOURCES OF INFORMATION (continued)

Department of Social Services -
 Division of Youth Services
 Human Resource Center
 MO HealthNet Division
 Division of Financial and Administrative Services
Office of Prosecution Services
Office of State Public Defender
Harrison County Health Department
Linn State Technical College
Metropolitan Community College
Missouri State University
Northwest Missouri State University
University of Central Missouri
University of Missouri
Barton County Memorial Hospital
University of Missouri Health Care System

Not Responding:

Department of Corrections



Ross Strobe
Acting Director
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